IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

LA.App..No. 1635 of 2007()

LAR.73/2002 of SUB COURT, CHERTHALA
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APPELLANT/2ND RESPONDENT:

KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION, KOWDIAR P.O., THIRUVANANTHAPURAM- BY ITS AUTHORISED OFFICER GEOGI GEORGE, ASSISTANT GESNERAL MANAGESR (IGC)

BY ADVS. SRI.B.KRISHNA MANI
SRI.SIJU RAJAN

RESPONDENTS/1ST RESPOPNDENT & CLAIMANT:

1.STATE OF KERALA, REPRESENTED BY THE SPECIAL TAHSILDAR (LA), INDUSTRIAL GROWTH CENTRE, CHERTHALA.

2.ANNAMMA, KALATHIL, PALLIPPURAM, CHERTHALA.

BY GOVT. PLEADER SMT. K.R.DEEPA -R1

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID,JJ.

L.A.A. NO. 1635 OF 2007

Dated this the 1st day of December, 2007

JUDGMENT

Harun-Ul-Rashid, J.

This appeal is filed by the Requisitioning Authority against the judgment and decree dated 26.10.2006 in L.A.R. No.73 of 2002 on the file of the Sub Court, Cherthala. The property having an extent of 8.09 Ares comprised in Survey No.141/39-2 of Pallippuram village, Cherthala Taluk belonging to the claimant, second respondent herein, was acquired for the Industrial Growth Centre. Section 4(1) notification is dated 24.1.1997. The Land Acquisition Officer fixed land value of the acquired land at Rs.7,876/- per Are as against the claim of Rs. 35,000/- per cent. The claimant, in support of her claim for enhanced compensation, examined AW.1 and produced Exts.A1 and A2. On the side of the respondents, RW.1 was examined and Exts.R1 to R7 were produced. The commission report is marked as Ext.X1.

2. The court below, on evidence and comparison, concluded that the acquired land was more important and had more advantages than the property covered by the basic document and, therefore, held that the

market value of the property fixed on the basis of Ext.R2 document was not proper. The court below noted the locational importance of the property. Ext.X1 report reveals that the distance between the acquired property and Kalathil road is only 26.3 metres. The court below also relied on Ext.A2 judgment in L.A.R. No.28 of 2001 and connected cases which relates to properties which were acquired for the same purpose under the very same notification. The reference court thus enhanced the land value to Rs.17,297/- per Are. The Land Acquisition Officer had fixed land value at Rs.7,876/- per Are for the property covered by Ext.A2 which was enhanced to Rs.17,297/- by the reference court. The said property was also included in the same category as that of the acquired property. Therefore, the market value of the property fixed by the reference court in the case of the acquired property is just, reasonable and proper.

In the result, we find no merit in the appeal. The appeal is accordingly dismissed. There will be no order as to costs.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007